

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan Chirnomas on March 17, 2008.

The application has been amended as follows:

Claim 1: line 2, "multiple electrodes that are arranged on the skin surface" should read as --multiple electrodes that are adapted to be arranged on the skin surface—

Claim 13 (currently amended) The active muscle display unit described in claim1, further comprising;

a measurement monitoring part that outputs the surface electromyogram in the image, ~~during measurement in the image~~ while the surface electromyogram is measured,

~~wherein when is arranged and in case that~~ the surface electromyogram which is output in the image is determined not to be derived from the firing motor unit that is estimated to be other than the individual motor unit is output in the image by the measurement monitoring part, the surface electromyogram measuring part is set not to conduct stops conducting the measurement of the surface electromyogram.

2. The following is an examiner's statement of reasons for allowance: After reviewing the amendment and remarks filed on December 12, 2007, no prior art could be found teaching or suggesting an active muscle display unit comprising a motor unit position estimating part that estimates a position of a firing motor unit, based on the individual motor unit estimated to constitute the active muscle by the motor unit separating part, as claimed in Claim 1. The surface electromyogram measuring part, the motor unit separating part and the motor unit position estimating part is being interpreted in concert with In re Alappat, 33 F.3d 1526, 1545, 31, USPQ 2d 1545 1558 (Fed. Cir. 1994). (A general purpose computer, or microprocessor, programmed to carry out an algorithm creates "a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.")

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Szmal whose telephone number is (571)272-4733. The examiner can normally be reached on Monday-Friday, with second Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Szmal/  
Primary Examiner, Art Unit 3736